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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shizuo Akira

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06/26/2006

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EXAMINER

HORNING, MICHELLE S

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claims 4, 7, 13, 14, 16, 20, 21, 26, 27 and 30 have been amended. Claims 31, 32, 33 and 34 are newly added claims.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, 16, 22 and 30, drawn to DNA encoding a receptor protein that specifically recognizes bacterial DNA having an unmethylated CpG sequence and a host cell expressing the DNA.

Group II, claim(s) 8-13 and 28, drawn to a receptor protein that specifically recognizes bacterial DNA having an unmethylated CpG sequence and a host cell expressing said protein.

Group III, claim(s) 14-15, drawn to drawn to an antibody.

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Group IV, claim(s) 17-20 and 31, drawn to non-human animals with a gene encoding a receptor protein that specifically recognizes bacterial DNA having an unmethylated CpG sequence.

Group V, claim(s) 21, drawn to a method of restoring expression of a protein having reactivity with bacterial DNA.

Group VI, claim(s) 23, drawn to an *in vitro* method of screening for an agonist or antagonist.

Group VII, claim(s) 24-26 and 32, drawn to an *in vivo* method of screening for an agonist or antagonist.

Group VIII, claim(s) 27, 29 and 33-34, drawn to an agonist or antagonist.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The claims are directed to a DNA encoding a receptor protein that specifically recognizes bacterial DNA having an unmethylated CpG sequence, which is the first product. However, because Hemmi et. al. (cited in the IDS) is drawn to a receptor

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protein (TLR9) encoded by immune cells that recognizes bacterial DNA containing unmethylated CpG dinucleotides, no special technical feature exists for Groups I-X as defined by PCT Rule 13.2, because it does not define a contribution over the prior art. Note that PCT Rule 13 does not provide for multiple products or methods within a single application. Because the technical feature of Group I is not a special technical feature, unity of invention is lacking.

Joint Inventors

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Horning whose telephone number is 571-272-9036. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michelle Horning
Patent Examiner



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